

REMARKS

A. Status of the Claims

No claims are amended herein and claims 1-83, 86 and 93 were previously canceled. Thus, claims 84-85, 87-92 and 94-109 are currently pending and under examination.

B. Provisional Obviousness-type Double patenting Rejections

The Examiner has provisionally rejected claims 84, 85, 87-92 and 94-109 as allegedly obvious in view of the claims of co-pending U.S. Patent Application Nos. 10/801,509 and 11/753,331. The provisional obviousness-type double patenting rejection is the only remaining rejection in the instant application and all claims are believed to be, otherwise, allowable. In contrast, the two applications cited in the rejection are currently subject to rejections under 35 U.S.C. § 112, first paragraph, in addition to the provisional obviousness-type double patenting rejections. Moreover, the cited co-pending patent applications have the same effective filing date (e.g., the same specification and the same parent provisional and non-provisional priority claims) as the instant application. Because the rejection is merely “provisional” and this application is clearly more advanced in prosecution than the cited sibling applications, Applicants respectfully request that the provisional obviousness-type double patenting rejection be withdrawn with respect to the instant patent application. To the extent that the obviousness-type double patenting rejections are maintained and their “provisional” status removed in U.S. Patent Application Nos. 10/801,509 and 11/753,331, Applicants will address the rejections in those cases, when the scope of allowable claims has been identified in those cases.

C. Conclusion

In view of the foregoing remarks, Applicants respectfully submit that each of claims 84-85, 87-92 and 94-109 is in condition for allowance. Allowance of these claims is respectfully requested. The Examiner is invited to contact David Gass at the number provided with any questions.

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Respectfully submitted,

By 

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